New industrial “integrity” laws seek to head off working class eruption in Australia

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1 October 2019

The Liberal-National Coalition government is pushing ahead with legislation aimed at bolstering Australia’s industrial laws, already among the most repressive in the world, in anticipation of convulsive working-class struggles.

The government’s Fair Work (Registered Organisations) Amendment (Ensuring Integrity) Bill, rejected by the Senate in 2017, was one of the first bills pushed through the lower house in July, less than two months after the government scraped back into office at the May 18 election.

Prime Minister Scott Morrison’s government and employers have depicted the Bill as being directed against “unlawful” and “corrupt” conduct by trade unions. The real target, however, is not the union bureaucracy, but the working class. The (Ensuring Integrity) Bill (EIB) is a pre-emptive move by the corporate establishment, which views with trepidation the strikes that have developed around the globe despite the efforts of trade unions to hold them back.

The ruling class fears similar eruptions in Australia under conditions of falling real wages, rising unemployment and casualisation, economic slump and widening social inequality.

The government is lobbying crossbench senators to secure support for the EIB when it goes to a vote in the Senate, likely to be next month. Labor and the Greens oppose the Bill in its current form but it has the support of far-right Senator Cory Bernardi, Pauline Hanson’s One Nation and the Centre Alliance, which is seeking minor amendments via a brief Senate committee inquiry.

The government is evidently hoping that EIB provisions that threaten the privileged positions of unions and their officials will provide the union bureaucrats with pretexts to even more ruthlessly enforce the Fair Work legislation, imposed in 2009 by the last Labor government. The Fair Work laws ban most strikes and the unions have used them to suppress struggles by workers against the intensifying corporate assault on jobs, wages and working conditions.

The anxiety in corporate circles is shared by the unions themselves. Last December, Australian Council of Trade Unions (ACTU) secretary Sally McManus warned of a looming “tsunami” of working-class discontent and urged the election of a Labor government to derail it.

The EIB implements recommendations handed down by a royal commission inquiry into the unions, which sought “to ensure greater compliance with the existing legislative regimes and relevant criminal laws.”

That inquiry’s report actually underscored the reality that the unions have absolutely nothing to do with defending workers’ conditions. Its case studies revealed the unions’ role as labour management businesses, hostile to the interests of workers. Union bureaucrats and corporate managers conspired daily to tear up workers’ conditions to try to make companies “competitive” on the global market. To the extent that conflicts emerged between the unions and corporations, they centred on which business entity will obtain a greater share of the profits extracted from workers’ labour.

The EIB will allow the Federal Court to cancel the registration of a union or “make alternative orders” on grounds that include the “unlawful or otherwise improper conduct of the affairs of the organisation.” More significantly, the Bill allows for deregistration of a union for “repeated breaches of a range of industrial laws by its members, and “failure to comply with a court order or injunction by the organisation or a substantial number of its members.”

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Just one instance of unauthorised "obstructive industrial action" could result in deregistration if it interfered with an employer's activities, the provision of a public service or is "likely to harm safety, health or welfare of part of the community." Likewise, union officials could be disqualified "if they fail to take reasonable steps to stop their organisation from breaking the law."

The Labor Party has no genuine opposition to such laws. In 1986, the Hawke Labor government, working closely with the ACTU and other construction unions, used earlier versions of such powers to deregister the Builders Labourers Federation in order to try to suppress militancy by construction workers.

In 2009, Labor and the Greens, once again working in partnership with the unions, backed the Fair Work laws as a means of strengthening the capacity of the unions to police their members.

The EIB has been reintroduced against the backdrop of a media campaign against supposed lack of compliance with the Fair Work laws by some unions, in particular the Construction Forestry Mining Maritime and Energy Union (CFMMEU). Master Builders Australia CEO Denita Wawn claimed "construction unions constantly demonstrate their total contempt for the law."

Both the government and the Labor Party also have created a witch-hunt over CFMMEU Victorian state branch secretary John Setka's alleged remarks about domestic violence against women. As part of his pro-business platform, Labor leader Anthony Albanese has demanded Setka's expulsion from the Labor Party.

For years the media has falsely depicted Setka and other CFMMEU officials as militants because of their various clashes with employers and occasional stoppages, invariably pulled to contain the discontent among construction workers over deteriorating safety, wages and working conditions.

In truth, the construction unions, like other unions, have enforced the Fair Work laws. In dispute after dispute, they have policed anti-strike provisions and complied with directives handed down by the Fair Work Commission to shut down industrial action.

The straitjacketing of the working class by the unions has seen industrial action fall to historical lows while wages stagnate, working conditions and jobs are destroyed and casualisation spreads across industries.

As a result, working-class support for the unions has steadily disintegrated. By last year, union numbers had fallen to under 10 percent of the private sector workforce. For workers aged under 25, the rate was just 5 percent. Before the Labor government of 1983–1996, which cut wages, dismantled basic conditions and helped axe thousands of jobs through Accords with the unions, their membership was more than 50 percent.

The anti-democratic and repressive EIB must be opposed as a move to suppress growing opposition by workers. But workers' interests do not lie in propping up the pro-business trade unions. The turn must be to the building of new organisations of struggle, such as rank-and-file committees. These will work to unify workers across Australia and internationally in a counter-offensive to defend jobs and working conditions, based on an international socialist perspective.

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